

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

In the Matter of

CERTAIN DYNAMIC RANDOM ACCESS  
MEMORY (DRAM) DEVICES,  
PRODUCTS CONTAINING THE SAME,  
AND COMPONENTS THEREOF

Inv. No. 337-TA-1472

**ORDER NO. 10: GRANTING-IN-PART JOINT MOTION TO MODIFY THE  
DATES FOR THE EVIDENTIARY HEARING, AND FOR  
AN EXTENSION OF TIME TO SUBMIT A PROPOSED  
PROCEDURAL SCHEDULE [MOTION DKT. NO. 1472-005]**

(January 27, 2026)

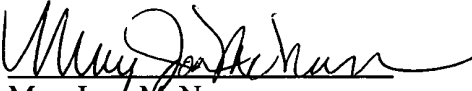
On January 22, 2026, Complainant Netlist, Inc. (“Complainant” or “Netlist”), Respondents Samsung Electronics Co., Ltd., Samsung Electronics America Inc., Samsung Semiconductor, Inc. (collectively “Samsung”), Google LLC (“Google”), and Super Micro Computer Inc. (“Super Micro”) (collectively, “Respondents” and, with Netlist, “the Private Parties”), and the Commission Investigative Staff (“Staff” and, with the Private Parties, “the Parties”) jointly moved (“Motion”) for a modification to the dates for the Evidentiary Hearing (“Hearing”) and for an extension of time to submit a Proposed Procedural schedule. (Motion Dkt. No. 1472-005.). While the Parties have been given new evidentiary hearing (“Hearing”) dates, they are not the revised Hearing dates the Parties requested, for the reasons explained below.

On January 14, 2026, a Proposed Procedural Schedule was issued in this Investigation. (Order No. 4 (Jan. 14, 2026).). In that Proposed Procedural Schedule, the Hearing was scheduled for October 28, 29, 30, November 2, November 3, and November 4, 2026. (*Id.* at 2–3.). The Proposed Procedural Schedule set April 2, 2027 as the deadline for the Final Initial Determination (“ID”) and August 2, 2027 as the Target Date. (*Id.*). The deadline for the Parties to submit their selections/inserts to the Proposed Procedural Schedule was January 21, 2026.

The Parties submitted their Motion but asked for different Hearing dates than those that had been set by Chambers in the Proposed Procedural Schedule. According to their Motion, counsel for Samsung and counsel for Super Micro say they have pre-existing conflicts with the Hearing schedule that Chambers set. (Motion at 1.). The Parties say they are available the weeks of November 9 and November 16, 2026. (*Id.*). However, that timing overlaps with this Court's deadlines in another investigation. After reviewing the schedules for all investigations, the dates the Parties requested were not possible. Therefore, while the Parties are being given different Hearing dates, they are not the dates the Parties requested. The rescheduled Hearing dates are *November 23, 24, 30, December 1, 2, and 3, 2026*. The new deadline for the Final ID is May 3, 2026.

The deadline for the Parties to submit their changes to the Amended Procedural Schedule that have not been set by Chambers, is extended to Monday, February 2, 2026. The Amended Proposed Procedural Schedule is Attachment A hereto.

**SO ORDERED.**

  
MaryJoan McNamara  
Administrative Law Judge

**ATTACHMENT A TO ORDER NO. 10**

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**PROPOSED PROCEDURAL SCHEDULE**

Event	Date(s)
Parties file their Proposed Procedural Schedule and identify USPTO/PTO Proceedings as well as State and Federal Litigation that is relevant to this Investigation	<b>February 3, 2026</b>
Deadline for Propounding First Set of Interrogatories (All Parties)	
Deadline for Propounding First Request for Production of Documents (All Parties; must be same date as for First Set of Interrogatories)	
Deadline for Respondents' Objections and Responses to Complainants' First Set of Interrogatories and Request for Production of Documents (Must be the same date as Complainants' due date)	
File Identification of Expert Witnesses, which should include a statement of their Expertise in the subject matter together with Curriculum Vitae	
Complainants File Notice of Patent Priority Dates/Dates of Conception	
Parties Exchange List of Patent Claim Terms for Construction	
Deadline for Disclosure of Domestic Industry Products (Per Ground Rule 1.13)	
Management Conference	<b>February 17, 2026 2:00 p.m.</b>
Deadline for Having Identified ALL Accused Products and/or Representative Accused Products	Must Be At Least 6 Weeks Before Close of Fact Discovery

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Amended Proposed Procedural Schedule

Event	Date(s)
Respondents File Notice of Prior Art (This should be limited at the outset to no more than 10 pieces of prior art per patent including combinations, with the expectation that the number will be reduced to no more than 3-4 pieces per patent by the close of fact discovery)	
Technology Stipulation Deadline	
Complainants and Respondents provide Each Other with Their Proposed Construction of Disputed Claim Terms	
File Tentative List of Witnesses a Party will call to testify at the Evidentiary Hearing, with an identification of each Witness's relationship to the party	
Parties Meet and Confer to Attempt to Limit Claim Terms and Claim Term Disputes	
File Joint Claim Construction Chart	March 27, 2026
Deadline to File <i>Markman</i> Hearing Proposals (Including Final Proposed <i>Markman</i> Exhibit Lists)	March 27, 2026
Parties File <i>Markman</i> Briefs with each Party's Proposed Construction of Disputed Claim Terms and Explanation of Their Initial Claim Constructions and Expert Declarations (If Applicable). (Note: "plain and ordinary" meaning is not sufficient. Neither is "indefinite" without thorough explanations and citations to intrinsic evidence)	
Parties to Exchange Proposed <i>Markman</i> Exhibit Lists and Exhibits (Except for Expert Declarations and Demonstratives) (Per Ground Rule 1.14.3.1)	
Management Conference (To discuss potential discovery issues/timing, any relevant corollary proceedings) (Likely on Webex)	<b>March 17, 2026</b> <b>2:00 p.m.</b>
<i>Markman</i> Hearing (If Held: Pick Date)	<b>Pick a date: April 15, 16, 17, 20, or 21, 2026</b>

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 Amended Proposed Procedural Schedule

Event	Date(s)
File Joint Chart Setting Forth Parties' Post-Hearing Claim Constructions (Per Ground Rule 1.14)	
Management Conference (Likely on Webex)	<p><b>If there is a <i>Markman</i> Hearing, then this Management Conference will be held on the same day as the <i>Markman</i> Hearing, otherwise:</b></p> <p><b>April 17, 2026</b>  <b>2:00 p.m.</b></p>
Management Conference (Likely on Webex)	<p><b>May 22, 2026</b>  <b>2:00 p.m.</b></p>
Last Day to File Motions to Compel (Unless leave is granted)	June 8, 2026
Fact Discovery Cutoff and Completion (This includes completion of fact Tests/Surveys/Data) (No extensions without Leave) (Note: this means that all fact contentions on infringement and invalidity have been exchanged and completed)	July 8, 2026
Exchange of Initial Expert Reports (Send copies to McNamara337@usitc.gov)	
Exchange of Rebuttal Expert Reports (Send copies to McNamara337@usitc.gov)	
Expert Discovery Cutoff and Completion (No extensions without Leave)	August 17, 2026
Last Day to file Summary Determination Motions	September 24, 2026
Parties Exchange Hearing Exhibit Lists (Most likely, Tentative)	

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Event	Date(s)
File Motions for Receipt of Evidence Without a Witness	
Complainants and Respondents file Pre-Hearing Statements and Pre-Hearing Briefs	
Parties file Joint Outline of Issues from Pre-Hearing Briefs (Per Ground Rule 7.3)	
Submission of Declarations Justifying Confidentiality of Exhibits	
Attendance at One-day Mediation Session <sup>1</sup>	
Submission of Mediation Report	
Last day to file Motions <i>in Limine</i> (“MIL”) (Complainants and Respondents are each limited to no more than two (2) MILs and HPOs in combination, and Respondents are limited to no more than three (3) MILs and HPOs in combination) without Leave	October 23, 2026
Last day to file High Priority Objections (“HPO”) (See note for MIL)	October 23, 2026
File Responses to Motions <i>in Limine</i>	October 30, 2026
File Responses to High Priority Objections	October 30, 2026
File on EDIS any Stipulations Regarding Exchange of Demonstratives for Evidentiary Hearing and Any Other Stipulations into Which the Parties Enter	
Pre-Hearing Conference (There May Be One or More Conferences Before to Resolve MILS or Other Issues)	November 23, 2026

<sup>1</sup> For questions that pertain to the mediation program, the parties should refer to the Revised Users’ Manual for Commission Mediation Program, available at <http://www.usitc.gov>.

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Event	Date(s)
Evidentiary Hearing (Starting with Tutorials, as Parties Propose)	<b>November 23, 24, 30, December 1, 2, and 3, 2026</b>
Last Day to submit Final Exhibits to Box. All Exhibits should be properly labeled (Follow the Ground Rules and Docket Requirements)	December 11, 2026
Complainants and Respondents file Initial Post-Hearing Briefs (Only on Issues for Which the Party Bears the Burden of Proof) and Final Exhibit Lists	December 29, 2026
Complainants and Respondents file Reply Post-Hearing Briefs (Only on Issues Discussed in the Initial Post-Hearing Brief of an Opposing Party)	January 5, 2027
Parties File Outline of Issues, Tracing Arguments from Pre-Hearing Through Post-Hearing Reply Briefs (Include Arguments That Have Been Dropped, Per Ground Rule 7.3)	January 11, 2026
Private Parties File Statement of Undisputed FACTS and Theories (This includes: facts that are not disputed; if patents: claim terms that are infringed/practiced are not disputed; invalidity and DI, the same; theories/facts that experts agree upon)	January 11, 2026
<b>Final ID due</b>	<b>May 3, 2027</b>
<b>Target Date</b>	<b>September 3, 2027</b>